

Summons in a Civil Action (Rev 11/97)

**United States District Court**  
SOUTHERN DISTRICT OF CALIFORNIA

LEONARDO B. CRUZ, JR.  
Plaintiff

vs

WMC MORTGAGE CORP  
LITTON LOAN SERVICING,  
HOMEQ SERVICING, TD SERVICE  
COMPANY AND DEUTSCHE BANK  
NATIONAL TRUST COMPANY

Defendants

**FILED**  
2008 JUL 10 PM 12:41  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY KUH DEPUTY  
**SUMMONS IN A CIVIL ACTION**  
Case No.

**'08 CV 1157 BEN-NLS**

TO: (Name and Address of Defendant)

TD SERVICE COMPANY

1820 E 1ST STREET #210  
SANTA ANA, CA 92711-1988

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and  
serve upon PLAINTIFF'S ATTORNEY

LEONARDO B. CRUZ, JR., 2541 Calle Tres Lomas S.D. CA 92139 619/216-4627

An answer to the complaint which is herewith served upon you, within 20 days after  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment  
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hendrick, Jr.

CLERK

By

**K. HAMMERLY**

Deputy Clerk

Summons in a Civil Action

**JUN 30 2008**

DATE

Page 1 of 2

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LEONARDO B. CRUZ, JR., Pro Se

Plaintiff

TD SERVICE COMPANY

Defendant

Case No.

'08 CV 1157 BEN-NLS

DECLARATION OF SERVICE

Person Served:

CORAZON G. ESPERITU

Date Served:

JULY 2/08

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents:

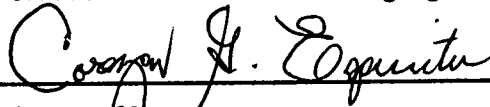
VERIFIED COMPLAINT AND MOTION FOR EX PARTE T R O  
in the following manner: (check one)

- 1) By personally delivering copies to the person served.
- 2) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to ther person served at the place where the copies were left.
- 3) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 4) ☒ By placing a copy in a separate envelope, with postage fully prepaid. for each address named below and depositing each in the U.S. Mail at Chula Vista 3rd Ave.  
July 2 on 2008 91910

Executed on

July 2<sup>nd</sup>, 20 08 at Chula Vista, CA 91911

Corazon G. Espiritu

RETURN OF SERVICE				
Service of the Summons and Complaint was made by me			DATE 06/30/08	
NAME OF SERVER CORAZON G. ESPIRITU			TITLE NOTARY PUBLIC PRIVATE SERVER PROCESSOR	
Check one box below to indicate appropriate method of service				
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____  Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:  Name of person with whom the summons and complaint were left: _____  <input type="checkbox"/> Return unexecuted:  <input checked="" type="checkbox"/> Other (specify): CERTIFIED MAIL RETURN RECEIPT AFFIDAVIT OF MAILING				
STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL \$0.00	\$10.-
DECLARATION OF SERVER				
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.				
Executed on: July 2, 2008 Date		 Signature of Server P.O. BOX 390157, S.D. CA 92149-0157 Address of Server		
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE				
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.				
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.				
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.				

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure